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PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HUGHES B. DE THE, AGNES MARCHIO,
PIERRE TIOLLAIS, and ANNE DEJEAN

Appeal No. 94-1465
Application No. 07/649,342¹

ORDER REMANDING TO EXAMINER

On March 13, 1996, applicant filed a Statement of Relevant
Authority (paper number 32). MPEP §1211.01 states:

While there is no obligation resting on the
Board to consider new or amended claims
submitted while it has jurisdiction of the
appeal. [sic] In Re Sweet, 58 USPQ 327 (CCPA
1943), a proposed amendment, affidavit,
declaration, or other paper may be remanded
for such consideration as the examiner may
see fit to give.

The application is thus being remanded to the examiner for such
consideration of the Statement of Relevant Authority as the

¹ Application for patent filed February 1, 1991, which is
said to be a continuation of 07/278,136, which is a continuation-
in-part of 07/209,009, which is a continuation-in-part of
07/134,130, which is a continuation-in-part of 07/133,687, all of
which are now abandoned.

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examiner may see fit to give².


Accordingly, it is

ORDERED that the application is remanded to the Examiner for consideration of the Statement of Relevant Authority, and for notification of appellant of the action taken by Examiner, and for such further action as may be appropriate.

The application, by virtue of its "special" status, requires immediate action. See Manual of Patent Examining Procedure, § 708.01(d). It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


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ckm

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² See 37 CFR 1.192(a), and MPEP section 1206 (page 1200-9), regarding citation of authorities.